

REGULAR CITY COUNCIL MEETING
JUNE 14, 1999

PRESENT

R. Dale Roper	Mayor
Gayle Bunker	Council Member
Bruce Curtis	Council Member
Glen Swalberg	Council Member

ABSENT

Wesley Bloomfield	Council Member
Robert Dekker	Council Member

ALSO PRESENT

Gregory Jay Schafer	City Recorder
Neil Forster	Public Works Director
Judy Baker	City Treasurer
Nina Higgs	Business Owner
Shirley Schena	City Resident
Georgia & Ron Hare	Central Utah Counseling Center

Mayor Roper called the meeting to order at 7:00 p.m. Gregory Jay Schafer, City Recorder, acted as Secretary. Mayor Roper stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Glen Swalberg offered an invocation, following which Mayor Roper led those in attendance in the Pledge of Allegiance.

MINUTES

The minutes of a Regular City Council Meeting held May 24, 1999 were presented for consideration and approval. Following discussion of corrections, Council Member Glen Swalberg MOVED to approve the minutes of the Regular City Council Meeting held May 24, 1999, as corrected. The motion was SECONDED by Council Member Gayle Bunker.

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Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Gayle Bunker MOVED to approve the accounts payable, in the amount of \$94,639.25. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

NINA HIGGS, S & S TRADING POST: REQUEST FOR REIMBURSEMENT

Nina Higgs requested reimbursement for business lost due to construction of water lines in the area of her business, located at 648 West Main Street, on Friday, June 4th and Saturday, June 5th. Ms. Higgs presented the following estimate of revenue lost due to her parking area being restricted by construction on June 4th and 5th:

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may	fri	Sat	
7th	800.24	8th	1026.00
14th	202.80	15th	789.00
20th	289.00	21st	442.00
27th	290.00	28th	922.00
total	1,588.04		3,185.00
average	(397.01)		(796.25) average

fri 4th no parking
store closed
Sat 5th with equipment
in parking
388.00

Council moved to
give for 1.000

June 5th	cost average	796.25
		388.00
		408.25
June	fri 4th	397.01

Total # 805.26

S & S Distributors
Nano's Rock Shop & Guide Service

General Merchandise • Rough & Finished Rock
Gifts • Guide Service Millard Co.

SHIRLEY SCHENA, Owner
NINA HIGGS, Manager / Guide

646 West Main
Delta UT 84624
(435) 864-4143

Council Member Gayle Bunker questioned whether the figures shown for May are gross figures or net figures. Ms. Higgs responded that these figures are gross sales for the Fridays and Saturdays in May. Council Member Bunker noted that actual loss would be limited to net profit rather than gross income.

City Attorney Richard Waddingham recommended that the Council take this matter under advisement because he was not convinced, at that point, that there was any liability. Attorney Waddingham stated that, in this situation, a contractor was acting for the public health, safety and welfare in installing water lines on State road right-of-way and he was not certain that this action imposes liability for someone losing business during the construction.

Following lengthy discussion, Council Member Bruce Curtis MOVED to take this matter under advisement. There was no SECOND for the motion. Council Member Glen Swalberg MOVED to reimburse S&S Trading Post \$250 for lost revenue, as a good will gesture. There was no SECOND for the motion.

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Council Member Gayle Bunker MOVED to reimburse S&S Trading Post \$200, representing one-half of lost profit for Friday, June 4th, as a good will gesture, with the agreement of Shirley Schena and Nina Higgs that no further action will be taken on this matter. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

City Attorney Waddingham requested that he go on record in the minutes that, as far as legal responsibility, he does not perceive that there is any legal responsibility for Delta City for any lost business revenue due to water line construction.

GEORGIA HARE, CENTRAL UTAH COUNSELING CENTER: REQUEST FOR FUNDS TO SEND STUDENTS TO UNIVERSITY OF UTAH SCHOOL ON ALCOHOL AND DRUG DEPENDENCY

Mayor Roper advised the Council that Georgia Hare had contacted him several days ago reporting that she needed to reserve space for the students attending the University of Utah School on Alcohol and Drug Dependency. In the past, Delta City has been paying one-half of the cost for two students to attend the school. Mrs. Hare requested permission to reserve the space for two students, then come before the Council to request funding for the students at this meeting. She made the reservations and advised the students that, if the funding was not made available by Delta City, they would not have the opportunity to attend the school.

This year, the cost would be \$364 for Delta City to sponsor two students to attend the school. Mayor Roper recommended that the Council approve the request for sponsorship of two students to attend the school.

Council Member Gayle Bunker MOVED to approved expenditure of funds in the amount of \$364 for sponsoring two students to attend the University of Utah School on Alcohol and Drug Dependency. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

REAPPOINTMENT OF STANLEY K. ROBISON AS DELTA CITY JUSTICE COURT JUDGE

Mayor Roper stated that, prior to June 30th, the City Council needs to reappoint Stanley K. Robison as Delta City Justice Court Judge. Council Member Glen Swalberg MOVED to reappoint Stanley K. Robison as Delta City Justice Court Judge. The motion was

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SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: PRELIMINARY/FINAL PLAT FOR NORDEL SUBDIVISION, PLAT A

Council Member Gayle Bunker stated, for the record, that he has a conflict of interest in this matter, but is representing the Planning & Zoning Commission for the purpose of presenting this item to the City Council.

Council Member Bunker advised the Council that the Planning & Zoning Commission has reviewed the request for final plat approval on Nordel Subdivision, located at approximately 450 North 490 East, and recommended that the City Council set a public hearing for the purpose of receiving public comment regarding the proposed subdivision. Council Member Bunker stated that the first four lots of the subdivision were approved approximately 15 years ago, but the plat was never recorded. The sewer, water, and sidewalks were installed at that time but paving was not completed. Due to the lapse of time, it is required that the subdivision be brought back for re-approval.

Following discussion, Council Member Glen Bunker MOVED to set a public hearing on July 12, 1999 at 6:45 p.m., for the purpose of receiving public comment regarding the proposed Nordel Subdivision, Plat A, located at approximately 450 North 490 East. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Roper reported that Ron Draper has advised him that the concerts in the park, as held last summer, have been set up for June 18th, July 2nd and July 16th. He hopes to have three more concerts scheduled, but does not have them confirmed yet. The concerts will be held from 7:30 to 9:30 p.m. on Friday evenings.

Mayor Roper stated that Lyle Bunker has accepted the designation as Grand Marshall for the Fourth of July celebration this year.


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Mayor Roper mentioned that he noticed several vehicles have been removed from behind Mr. Lazaro's home, so there is apparently an attempt to clean up the property. Public Works Director Forster agreed that Mr. Lazaro has removed all but two or three vehicles and a trailer.

Mayor Roper asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments, questions, or other items to be discussed. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper declared the meeting adjourned at 7:48 p.m.


R. DALE ROPER, Mayor


GREGORY JAY SCHAFER, City Recorder

MINUTES APPROVED: RCCM 07-26-99